



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 4
SAM NUNN
ATLANTA FEDERAL CENTER
61 FORSYTH STREET
ATLANTA GEORGIA 30303-8960

July 27, 2010

Dr. Rebecca S. Griffith
Chief, Planning Division
U.S. Army Corps of Engineers
P.O. Box 4970
Jacksonville, FL 32232-0019

ATTN: Ms. Angela Dunn

**SUBJ: EPA Comments on the COE's Third Draft Supplemental EIS (DSEIS)
for Herbert Hoover Dike (HHD) Major Rehabilitation Evaluation Report for
Reach 1A Landside Rehabilitation; Martin and Palm Beach Counties, FL;
CEQ #20100231; ERP #COE-E39050-FL**

Dear Dr. Griffith:

Consistent with our responsibilities under Section 102(2)(C) of the National Environmental Policy Act (NEPA) and Section 309 of the Clean Air Act, the U.S. Environmental Protection Agency (EPA) has reviewed the subject U.S. Army Corps of Engineers' (COE) third DSEIS concerning Lake Okeechobee's HHD rehabilitation for Reach 1A. EPA has previously provided NEPA comments on the second DSEIS on Reaches 2 and 3 in a letter dated January 29, 2007, as well as on Environmental Assessments (EAs) for other HHD reaches. Overall, EPA supports this and other HHD rehabilitation/reconstruction projects to maintain HHD structural integrity and the security of residents that would be affected by a dike failure.

Reach 1 is considered the highest risk area for dike failure and public impacts. It is divided into Reaches 1A, 1B, 1C and 1D. Reach 1A is a 4.9 mile long portion that could fail at a 17-foot elevation of Lake Okeechobee due to piping from seepage. The project work is to include construction of landside rehabilitation features, a seepage berm, drainage swale and relief wells. The Recommended Plan would fill wetlands and require acquisition of private and public lands (47.2 ac) outside the federal right of way.

EPA offers the following few comments on the DSEIS for completion of the Final SEIS (FSEIS):

* Waters of the US – The DSEIS indicates (pg. 4-31) that the proposed project would directly impact (backfill) wetlands in a 9,770-foot stretch of the Reach 1A toe ditch, for which the compensatory mitigation has already been completed. EPA is delighted to see that the mitigation has been completed *before* wetland impacts occur.

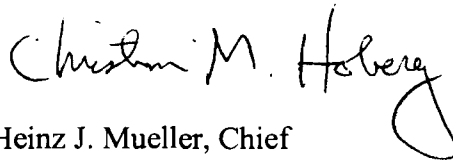
Also related to wetlands, the DSEIS refers to the May 2007 *Environmental Assessment and Finding of No Significance Impact, Reach 1 Seepage Berm and Reach 1 A Test Cutoff Wall* for additional information on the DSEIS for mitigation details. Although EPA reviewed and provided comments on this EA, we suggest that relevant mitigation and other information be summarized in the FSEIS for public convenience.

* Water Quality – During the rainy season, water from Lake Okeechobee is periodically released via the St. Lucie and Caloosahatchee Rivers to reduce the risk of HDD failure. Given that the water quality of Lake Okeechobee can be high in algal growth due to nutrient (total phosphorus), such releases “to tide” degrade the water quality of estuarine receiving waters in terms of adding high nutrients and low salinity waters. Accordingly, as discussed in the DEIS (pg. 4-5), a more competent HDD could have a positive water quality effect in the sense that higher pool elevations may be possible in the Lake requiring fewer low water quality releases.

* Environmental Justice (EJ) – Page 4-22 indicates that only one house would be affected by the project. This house is unoccupied and has been recently acquired due to HDD rehabilitation projects. As such, no EJ residents would be directly displaced by the project due to the project’s land acquisitions (47.2 ac). Moreover, the 38% minorities (Hispanics) that live within three miles of the HDD below Reach 1 – along with all other demographics living below the dike – would benefit by the HDD rehabilitation.

EPA appreciates the opportunity to comment on the DSEIS. We rate this DSEIS as “LO” (Lack of Objections). Should you have questions regarding our comments, feel free to contact Chris Hoberg of my staff at 404/562-9619 (or hoberg.chris@epa.gov) for NEPA issues or Ron Miedema at 561/616-8741 (or miedema.ron@epa.gov) of the Water Protection Division at the EPA South Florida Office for wetland issues.

Sincerely,



for

Heinz J. Mueller, Chief
NEPA Program Office
Office of Policy and Management